

Attorney Docket No. 9052-250
Application Serial No. 10/594,914
Filed: September 29, 2006
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REMARKS

This response is submitted in reply to the Office Action mailed October 5, 2007 ("the Action"). Applicant hereby requests further consideration of the application in view of the amendments above and the comments that follow.

I. The Drawing Objection

The Action objects to the drawings for failing to show element number 19, which is referenced in the specification as a means (19) for attaching the device to a supporting means. However, at page 7, the specification states that the straps include a plurality of attachment points 19 to allow for adjustment of the device (emphasis added). Page 8 also refers to the attachment points as element 19. The only place where Applicant found the "means for attaching" reference was in the claims. Thus, Applicant respectfully submits that the figures are in compliance with the description and requests that this rejection be withdrawn. However, if the Examiner disagrees, Applicant respectfully invites the Examiner to telephone the undersigned to discuss a potential amendment to the claim to clarify or remove this recitation.

II. Brief Summary of the Invention

Embodiments of the instant invention are directed to an incontinence or female external catheter device that fits around the labia minora but inside the bounds of the labia majora (*see, e.g.*, Figure 5). Mayhorn, and the known prior art, propose a device that presses against the labia majora to secure it and keep it in place. Applicant respectfully submits that embodiments of the instant invention configure the strip and collection funnel so that the device is more discreet, less bulky and easier to place conventional underwear over/on top of the device.

III. The Art Rejections

The claims stand rejected as being anticipated or obvious over U.S. Patent No. 3,374,790 to Mayhorn ("Mayhorn") alone or in combination with one or more secondary references. Applicant respectfully disagrees.

Mayhorn proposes a device that fits between a user's legs with the arcuate indentations 32, 34 provided to minimize discomfort (col. 2, lines 56-58). Thus, Applicant submits that Mayhorn proposes a device where the collection cup resides over and outside the labia majora and the outside edges of the pad actually contact the legs of the user.

Mayhorn also proposes a relatively thick foamed plastic pad 28 with increasing thickness along one direction, from 0.25 inches at one end to one inch at the other end (col. 2, lines 30-31). Applicant submits that in the device proposed by Mayhorn, leakage can occur, especially at the posterior end of the pad.

Applicant is restating amended Claim 1 and new independent Claims 17 and 18 for ease of discussion.

1. A non-intrusive female urinary incontinence device (13) comprising a flexible elastic substantially flat strip (1) having a flat upper face and a lower face, an opening (3) being provided in the strip communicating between the upper and lower faces, a fluid collection means surrounding (4) the opening in a fluid tight manner on the lower face of the strip and means (19) for attaching the device to a supporting means (17), wherein the strip and opening are sized and shaped such that when it is stretch fitted over the external urogenital organs, the labia minora extends through the opening and the strip terminates against flesh residing outside the labia minora and inside the labia majora and wherein the flat upper face of the strip conforms to the shape of the wearer and defines a fluid tight fit between the upper face of the strip and the flesh surrounding the labia minora and around the base of the labia minora, such that, in use, urine is conveyed from the urethra, through the labia minora, into the collection means without leakage.

17. A female urinary incontinence device, comprising:
a strip having two opposing outer perimeter segments
surrounding a urine flow passage, the outer perimeter segments sized and configured to reside snugly against flesh at a base region of a wearer's labia minora and within inner tissue folds of the wearer's labia majora so that the strip and flesh surrounding the base of the labia minora define a fluid-tight seal while allowing the labia minora to extend through the urine flow passage of the strip;
a collection funnel sealably attached to the strip and in fluid communication with the urine flow passage of the strip; and
a securing member configured to hold the strip in position on the wearer,
wherein, in use, urine flows from the urethra, between the labia minora, then to the funnel in a leak-proof manner.

19. A female fluid collection device, comprising:
a strip having two opposing outer perimeter segments
surrounding a flow passage, the outer perimeter segments sized and configured to reside snugly against tissue surrounding a base region of a wearer's labia minora but within inner tissue folds of the wearer's labia majora so that the strip and tissue surrounding the base of the labia minora define a fluid-tight seal with the labia minora extending through the flow passage of the strip;
a collection funnel sealably attached to the strip and in fluid communication with the flow passage of the flat elastic strip; and
a securing member configured to hold the strip in position on the wearer,
wherein, in use, fluid flows from the body between the labia minora, then to the funnel in a leak-proof manner.

Applicant respectfully submits that Mayhorn fails to teach or suggest at least the emphasized features. Indeed, Applicant submits that that Mayhorn teaches away from the claimed devices.

Applicant submits that the cited secondary references fail to remedy the deficiencies of Mayhorn.

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CONCLUSION

Accordingly, Applicant submits that the present application is in condition for allowance and the same is earnestly solicited. Should the Examiner have any matters outstanding of resolution, she is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,



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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on January 3, 2008.

Signature: 
Rosa Lee Brinson